

LEGISLATIVE COUNCIL

House Majority Caucus Room

Boise, Idaho

November 5, 2004

MINUTES

The meeting was called to order at 9:00 a.m. by Speaker Bruce Newcomb, co-chair. The following members of the Legislative Council were present: Pro Tem Robert L. Geddes, co-chair; Senators Bart Davis, Patti Anne Lodge, Skip Brandt, Clint Stennett, Fred Kennedy, Bert Marley; and Representatives Lawrence Denney, Frances Field, Gary Collins, Wendy Jaquet, Mary Lou Shepherd and Elaine Smith. Also in attendance or participating in the meeting were Senator Joe Stegner, Representative Anne Pasley Stuart, Pam Ahrens, Jeannine Wood, Pamm Juker and Jeanne Ludwig. Legislative Services Office staff in attendance included Jeff Youtz, Cathy Holland-Smith, Eric Milstead, Matt Freeman, Jason Hancock, Ray Houston, Dick Burns, Larry Eld, Ray Ineck, Mike Nugent, Glenn Harris, Soren Jacobsen, Brenda Wilkening, Rande Trueax, Carl Bianchi and Sheila Ison.

The minutes of the May 27, 2004, Legislative Council meeting then were approved on a motion by Senator Kennedy, seconded by Senator Lodge.

BUDGET UPDATE

Jeff Youtz reported on the current FY 2005 budget and revenue projections, and gave a preview of FY 2006 appropriation issues. Given current growth projections, the Legislature may be able to set an FY 2006 budget that is similar to the FY 2005 budget, with the keys being the use of one-time monies and continued economic growth. A one percent economic growth projection translates into a \$20 million increase in revenues.

Commenting on the expanding impact of Medicaid on the state budget, Representative Frances Field noted that a decade ago, the Legislature funded only the core Medicaid program; however, Idaho since has been adding state-option programs, which carry a 25 percent state match requirement. Speaker Newcomb referred to a recent article describing how the Walmart Corp. gives a packet of information to new employees about Medicaid benefits for which they might be eligible, and he said that the public sector should not be having to accept this kind of cost shift from private business. Cathy Holland-Smith explained how managed care approaches to disease management/prevention are targeting those diseases — adult-onset diabetes, congestive heart disease and asthma — that are causing the highest percentage of Medicaid cost increases, excluding the aged and disabled.

FY 2004 STRATEGIC PLAN RESULTS

Carl Bianchi reported on goals and objectives achieved for the fiscal year ending June 30, 2004: Staff performance has been outstanding in all areas, including drafting of bills and resolutions, analyzing administrative rules, preparing appropriation bills and fiscal guides, meeting target dates for audits and following up with agencies to obtain compliance with audit recommendations, and providing secure and reliable computer network services accompanied by computer training for

legislators and legislative staff. Senator Davis thought that adding prior-year legislation information dating back to 1998 has been a great assistance to research efforts. Speaker Newcomb, remembering legislative staff operations when there were three separate legislative staff offices, felt that the Legislature had achieved its goals in combining the separate offices into one Legislative Services Office. He complimented the staff and director — “We are beginning to see the results of the consolidation and the synergies that have developed.”

FY 2005 STRATEGIC PLAN PROPOSED GOALS AND OBJECTIVES

Carl Bianchi reviewed the proposed goals, objectives and strategies for FY 2005. In response to questions about the transfer to new leased laptops for legislators in December, Glenn Harris explained that he would be sending a letter to legislators with information on how files will be transferred and when the new laptops will be distributed.

Council members discussed whether to investigate Internet video streaming of chamber proceedings in cooperation with Idaho Public Television. The Council agreed to the strategy of investigating video streaming and, subject to Council approval, a possible test of the process either during the 2005 or 2006 legislative sessions. On a motion by Representative Jaquet, seconded by Senator Lodge, the Council approved the proposed goals and objectives in the FY 2005 Strategic Plan, as presented.

FY 2006 LEGISLATIVE SERVICES OFFICE APPROPRIATION REQUEST

Cathy Holland-Smith presented the appropriation request for the Legislative Services Office. She noted that the LSO staff had declined over the last several years from 65 positions to now 60 FTEs, due to the series of holdbacks that have been imposed on state government. The FY 2006 appropriation request for LSO is a maintenance request, containing the standard budget manual-directed cost increases. The Council unanimously approved the appropriation request as presented, on a motion by Representative Field and a second by Senator Brandt.

NEW LEGISLATOR ORIENTATION

Council members discussed the proposed agenda and schedule for the three-phase New Legislator Orientation Program. Senator Lodge thought there ought to be an opportunity for existing legislators to attend selected training sessions. Pro Tem Geddes said he was inviting all senators to attend, and thought the orientation sessions can often help legislators understand the importance of rules and procedures before they become in conflict. Senator Stennett thought the Phase III program, which includes such topics as parliamentary procedure, civility, mock legislative session, standing committees and security, would not be as convenient for legislators to attend if held on a Saturday. The Council agreed to move the Phase III program to Friday, January 14, beginning at 9:00 a.m.

Representative Jaquet suggested that the New Legislator Orientation Program would be strengthened by inclusion of a topic on media relations. Senator Davis observed that the media sessions at the CSG-*WEST* meetings had been helpful and well-attended by legislators. After discussion, Council members thought a session involving members of the press would help new legislators understand the process and that “It’s not their story.” A suggestion was made to utilize Public TV’s Joan Cartan Hansen in designing the program, as she has participated in the CSG-*WEST* media training sessions.

Carl will follow up.

SENATOR KENNEDY RETIREMENT

Pro Tem Geddes, on the occasion of Senator Kennedy's retirement from the Legislature and last meeting with the Legislative Council, expressed his appreciation for Senator Kennedy's service and said it had been a pleasure to have him on the Legislative Council and as a member of the Senate. Speaker Newcomb joined in the sentiments and said House members would also miss his presence, and Legislative Council members joined in applauding his service. Senator Kennedy responded by saying it had been a privilege and honor to represent the people in District 22 and that the legislators he had served with were a group of "fine, dedicated people."

PLANS FOR 2005 LEGISLATIVE SESSION

Pro Tem Geddes said it had been a busy interim, particularly with the Expanded Natural Resources Committee activities, and that Idaho legislators had provided helpful input to CSG-WEST on issues that mattered to our state. He's optimistic that we'll have a great session, especially with the recent good budget reports we've received, and that the Senate will be discussing some possible changes of committee schedules. The Pro Tem also reported that the sound system in the Senate had been replaced, and that the Senate will have a reliable sound system in all Senate offices during the 2005 session.

Speaker Newcomb predicted the key issues during the session would include the Nez Perce settlement and the Eastern Snake Plan Aquifer, as well as property tax limits, budgets and revenue, and Medicaid. He said he is considering expanding the Environmental Affairs Committee to include technology and energy. Council members discussed the tentative legislative calendar, and agreed to reconsider the pre-session schedules for the CEC Committee, the Economic Outlook Committee and the Millennium Fund Committee, in an effort to truncate the number of pre-session days devoted to these meetings. Jeff Youtz will follow up with Budget staff members assigned to those committees to develop a more convenient schedule for individual legislators.

The Council discussed a suggestion by Senator Stennett that the Legislature consider taking a two to three-day break in the middle of the legislative session to hold town meetings and to meet with constituents. Differing opinions were expressed, including using state holidays as town hall meeting days, while some cited the \$30,000 per day cost during the session as a caution, and the preference to meet straight through the session. On a motion by Senator Stennett and a second by Senator Lodge the Council approved the tentative calendar for the 2005 legislative session as submitted.

REDESIGN OF LEGISLATURE'S WEB SITE

Following a break for lunch, Council members saw a demonstration of a test version of the Legislature's newly redesigned Web site. The Idaho Legislature joined the World Wide Web as just the third Western state to do so in October 1995, in an effort to increase public access to the legislative process. Since that time, the Legislature's Web site has been redesigned and expanded. Starting a little over a year ago, legislative staff began an effort to remodel the Web site, taking into account the requirements of HCR 56 (2002), which requires state agencies to make their Web sites more accessible to people with disabilities. LSO's Sheila Ison coordinated the effort along with

LSO staff members Brenda Wilkening, Soren Jacobsen, Larry Eld and Rande Trueax, and with the help of the Dept. of Administration's Jon Eckerle and Cheryl Marsh. Sheila reported that the new Web site is designed to meet accessibility standards, as well as to be easier for legislators to use. The new URL address for the site — legislature.idaho.gov — is in accordance with new Web standards for naming government sites, and will likely be easier to remember than the address of the current site. Representative Shepherd hoped that the search feature of the Web site could be improved, and LSO staff will look into alternative search engines. The other features of the new Web site were demonstrated for Council members, and the new database approach to updating information was explained. Following the organizational session, the legislative database will be updated and the new Web site will go online following notice to legislators alerting them to the changes.

PRESS CLUB LAWSUIT

Council members heard an update on the status of the Idaho Press Club's suit against the Legislature to prohibit legislative committees from holding executive sessions. Fourth District Judge Kathryn Sticklen has issued an opinion granting a motion by the Legislature to dismiss the Press Club's complaint. Judge Sticklen found that the Idaho Constitution does not prohibit legislative committees (other than the Committee of the Whole) from meeting in executive session. She held that the Legislature has the authority to adopt rules to govern standing committee activities, including voting to go into executive session to discuss, for example, litigation.

Senator Kennedy stated that this decision will not be a popular opinion with the public. He will not be surprised if the decision is appealed by the Press Club, and noted there is still a conflict between the Legislature's rules and a section of the Idaho Code. Senator Davis pledged to keep meetings open and to use executive sessions on a rare or limited basis, such as to discuss lawsuits. He said he would make sure committee chairs understood the rules — "The people's business will be done the people's way." Speaker Newcomb agreed that executive sessions of standing committees should be used only to discuss litigation or negotiating formal agreements involved in litigation. He thought that if the decision is appealed and decided by the Supreme Court, the Legislature should clarify its rules; in the meantime, executive sessions should just be used for attorney/client privilege and legal settlement negotiations. In no way will this change our practice, he said, "We will not close meetings."

CAPITOL ANNEX PROJECT

Carl Bianchi reviewed the events during the period 1995 - 1999, leading up to the purchase of the former Ada County Courthouse through the Idaho State Building Authority, as well as failed efforts of the Legislature during the 2001 and 2002 legislative sessions to agree upon a remodel and construction plan. The Legislature began formal requests in August 2001 to obtain larger, modern hearing rooms outside of the restricted space of the Capitol Building, in order to better accommodate public participation in legislative hearings. Carl then reported to the Council on various financial options and approaches to remodeling the building, suitable for legislative hearing rooms and offices, and other state agency occupancy. He credited Budget Analyst Eric Milstead for developing the financial options and scenarios.

Carl began by telling Council members that continuing to call the building the "Ada County Courthouse" gives the false impression that this is just a local courthouse building project. In fact,

the building should be called what it is — the Capitol Annex — and whatever is done with the building should be done with class, because the building will be as much a part of Idaho government as the Statehouse in 50 years. Whatever we do, he said, that building is going to be the Capitol Annex, in the very heart of the Capitol Mall.

Council members saw architectural plans for both remodeling a portion of the existing building with a major new section added on, as well as a complete demolition and replacement. Carl emphasized that whatever approach is taken, there is a need to act quickly, since during the past two and a half year delay, the estimated total project costs have increased by approximately \$4 million. Council members reviewed several different options for remodeling that would utilize monies from the Permanent Building Fund, and then heard a report that on November 4, the Permanent Building Fund Advisory Council had voted to recommend to the Governor that the Capitol Annex project receive \$5 million in dedicated funds to start the project.

Carl asked for support to go forward and work with the Governor's Office, the Dept. of Administration and the Permanent Building Fund Advisory Council and others to develop a joint concurrent resolution to present to the House and Senate State Affairs Committees to authorize the Capitol Annex project under the State Building Authority. Senator Davis made a motion to move the Capitol Annex matter along and enhance the project, subject to a variety of methods of construction and a variety of methods of funding. Representative Jaquet seconded the motion. In response to a question from Senator Brandt about possible demolition of the current building, Senator Davis said his motion would not prohibit that course of action. Representative Jaquet suggested that it would be helpful to know what the operational costs would be to move into the Capitol Annex when completed, and staff will research those costs. The Council voted unanimously to approve the motion, and Carl will follow up to move the matter forward.

INFORMATION ITEMS

Council members heard about recovery efforts after the summer flooding of the basement LSO offices, as well as Capitol Commission efforts to improve the drainage system around the base of the Capitol Building. They learned that the Capitol Commission plans to propose extending the life of the special Capitol Restoration license plates, to accommodate the now-delayed Capitol restoration efforts. Finally, the Council received a redistricting activity timeline for the 2010 census, and heard that, subject to approval by majority and minority leadership, Legislative Librarian Kristin Ford would be named Idaho's representative to the U.S. Census Bureau in August 2005, and that Kristin would lead and coordinate the staff support on behalf of the Legislative Council for the redistricting effort and the work of the Redistricting Commission.

The meeting adjourned at 3:45 p.m.